

Grant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re TREMONT SECURITIES LAW, STATE
LAW AND INSURANCE LITIGATION**

CUMMINS INC., as the authorized
representative of the Cummins Inc. Grantor
Trust dated September 10, 2007, as amended,

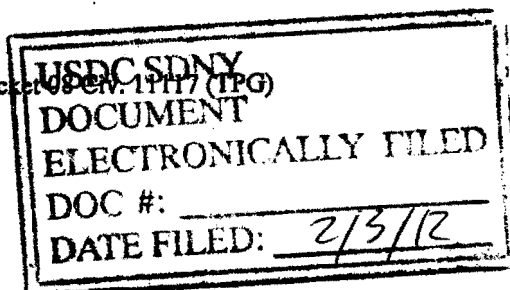
Plaintiff,

v.

NEW YORK LIFE INSURANCE COMPANY,
NEW YORK LIFE INSURANCE AND
ANNUITY CORPORATION, TREMONT
CAPITAL MANAGEMENT, INC., RYE
INVESTMENT MANAGEMENT,
MASSMUTUAL HOLDING LLC,
MASSACHUSETTS MUTUAL LIFE
INSURANCE CO., OPPENHEIMER
ACQUISITION CORP., RYE
SELECT BROAD MARKET PRIME
FUND L.P., RYE SELECT BROAD
MARKET XL FUND L.P., RYE SELECT
BROAD MARKET INSURANCE
PORTFOLIO, LDC, TREMONT
OPPORTUNITY FUND III, L.P., TREMONT
(BERMUDA) LTD., TREMONT GROUP
HOLDINGS, INC., and TREMONT
PARTNERS, INC.,

Defendants.

Master Docket



10 Civ. 9252 (TPG)

**STIPULATION AND [PROPOSED] ORDER EXTENDING THE SCHEDULE
FOR BRIEFING OF DEFENDANTS' ANTICIPATED MOTIONS TO DISMISS**

WHEREAS, on August 19, 2011, this Court approved a partial settlement in *In re Tremont Securities Law, State Law and Insurance Litigation*, No. 08-Civ-11117 (TPG) (S.D.N.Y. 2009);

[954552-1]

WHEREAS, on October 20, 2011, the Court held a status conference to determine how several cases that remain pending in the above-referenced litigation should proceed;

WHEREAS, on November 14, 2011, the Court entered an Order that, among other things, provided as follows: (i) Plaintiffs shall determine whether they wish to file amended or consolidated complaints in their respective actions, and if they elect to do so, their amended or consolidated complaints shall be filed by December 19, 2011; (ii) Defendants shall file motions to dismiss or answers to the complaints in each action by January 31, 2012; (iii) Plaintiffs shall file opposition papers to the motions by February 29, 2012; and (iv) Defendants shall file replies by March 20, 2012;

WHEREAS, Plaintiff Cummins Inc. ("Cummins") filed its Amended Complaint on December 19, 2011;

WHEREAS, Defendants, Rye Select Broad Market Prime Fund L.P., Rye Select Broad Market XL Fund L.P., Tremont Opportunity Fund III, L.P., ("Defendants") seek a two-week extension of the schedule for the briefing on Defendants' anticipated motion to dismiss;

WHEREAS, Plaintiff does not oppose Defendants' request; and

WHEREAS, Defendants have made no prior requests to extend the schedule for the briefing on Defendants' anticipated motion to dismiss;

IT IS HEREBY STIPULATED, by and between the undersigned counsel for the parties, without waiving any rights, defenses, or arguments they may assert, except as set forth below, and subject to the approval of the Court, as follows:

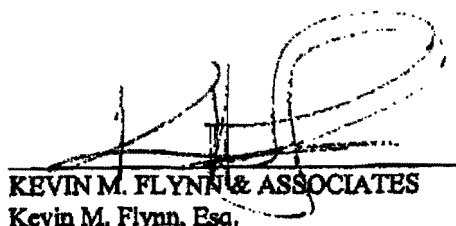
1. Defendants shall file their response to Plaintiff Cummins' Amended Complaint by February 14, 2012;

2. Should Defendants move to dismiss the Amended Complaint, Plaintiff Cummins shall file its opposition to Defendants' motion to dismiss thirty (30) days after Defendants' motion to dismiss is filed; and

3. Defendants shall file any reply briefs twenty (20) days after the filing of Plaintiff Cummins' opposition.

January 28, 2012


By:


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January 27, 2012

By:


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L.P. Rye Select Broad Market Prime Fund
L.P., and Rye Select Broad Market XL Fund
L.P.*

SO ORDERED:


Hon Thomas P. Greisa, United States District Judge

GREISA